IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 314 (S/S) of 2001
Old Number
Writ Petition No. 19042 of 1999

1. Dharam Pal Singh, S/o Sri Sukhkha Singh, resident of village – Budhwa Saheed, P.O. – Buggawala, District – Haridwar.
2. Rajesh Kumar Chauhan, S/o Sri Chandu Singh, R/o Village & Post Garh Meerapur, District – Haridwar.
3. Vinod Kumar Chauhan, S/o Sri Bool Chand, C/o Shivalik Tent House, Village & Post – Beharigarh, District – Saharanpur.

.....Petitioners

Versus

1. The Joint Magistrate, Roorkee, District – Haridwar.
2. The SHO, Police Station – Buggawala, District – Haridwar.
3. Authorised Controller, Guru Teg Bahadur, Uchchattar Madhyamik Vidyalaya (formerly Bal Vidya Uchchattar Madhyamik Vidyalaya), Buggawala, District – Hardwar.
4. The District Inspector of Schools, Haridwar.
5. Sardar Heera Singh, S/o Sri kapoor Singh, resident of Village & Post – Buggawala, District – Haridwar.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Lok Pal Singh, learned counsel for the petitioner, learned standing counsel for the respondents no. 1,2, and 4 and Sri S.S. Chaudhary, learned counsel for respondent no. 3.

The petitioners have filed the present writ petition in the month of May, 1999. By means of this writ petition, the petitioners have challenged the order dated 17.03.1999 passed by respondent no. 1 by which respondent no. 1 has restrained the petitioners, who were appointed by the then Committee of Management as teachers in the Institution, from entering into the premises on the ground that since there is a dispute in respect of Committee of Management and there is an apprehension of breach of peace, in case, the petitioners are permitted to enter into the premises of the Institution. Petitioners are stopped to function as teacher till the dispute of Committee of Management would not be finalized.

Learned counsel for the petitioners has submitted that the order passed by Joint Magistrate, Roorkee, Hardwar is without authority of law. In case, petitioners were illegally appointed it is the District Inspector of Schools, who is competent to pass appropriate order in respect of petitioners and not the Joint Magistrate.

I find force in the submission of learned counsel for the petitioners. If there is apprehension of breach of peace it is certainly the duty of the administration to solve the same but not in a way as has been done by respondent no. 1 by restraining the petitioners from entering into the premises.

Writ petition was filed in the year 1999. More than six years have passed. Generally the term of Committee of Management is either for three years or five years.

Sri S.S Chaudhary, learned counsel for respondent no. 3 has submitted that new Committee has taken over

charge on 26.03.2004. After 26.03.2004, the impugned order passed respondent no. 1 has become ineffective as it says that petitioners are restrained to enter into the premises till there is dispute in regard to Committee of Management is resolved.

In view of the above, writ petition has become infructuous, as such, is dismissed as infructuous. No order as to costs.

(M.M. Ghildiyal, J)

April 10,2006
SKsharma